

REMARKS

Claims 1-5 and 8-11 are pending in the instant case. Claims 1, 8, 9, 10, and 11 have been amended. Claims 2 and 3 have been newly cancelled; claims 6 and 7 having been cancelled previously. No new matter is introduced by virtue of the within amendments. The amendments are supported throughout the specification, for example, in the claims themselves. The amendment to claim 1 is supported, for example, on page 5, line 12.

Objection to the abstract

The abstract is amended. The text is identical to the text of the original abstract and the text on page 15, lines 2-13. The amended abstract is 140 words in length. The amendment to the abstract does not introduce new matter.

Objection to the specification

The specification is amended to correct the obvious typographical errors noted by the Examiner, and correctly point to the appropriate place for insertion of the previously provided text in the amendment filed October 2, 2007. The amendment to the specification does not introduce new matter.

Rejection of claims under 35 U.S.C. §112, ¶1

Claims 1-5 and 8-11 are rejected under 35 U.S.C. §112, ¶1, allegedly for lack of enablement. Applicant respectfully disagrees. However, purely to progress the prosecution of the application, Applicant has amended claim 1 to recite that Z represents a furyl group which was expressly acknowledged by the Examiner to be enabled. Withdrawal of the rejection is respectfully requested.

Rejection of claims under 35 U.S.C. §112, ¶2

Claims 8 and 9 are rejected under 35 U.S.C. §112, ¶2, allegedly for failing to point out and distinctly claim the subject matter. Per the suggestion of the Examiner,

the word "the" has been deleted before the phrase "decrease of lacrimal fluid secretion."
Withdrawal of the rejection is respectfully requested.

Entitlement to priority claim

Claims 1-5 and 8-9 are acknowledged to be supported by the priority application and entitled to the priority date of June 10, 2002. However, the position is taken that claims 10 and 11 are allegedly not supported by the priority document for the recitation of the condition Sjogren's syndrome. Without acquiescing to the position taken, Applicant has amended claims 10 to 11 to delete language related to Sjogren's syndrome. Applicant submits that all of the claims are fully supported by the priority document and are thus entitled to the priority filing date of June 10, 2002.

Rejection of claims under 35 U.S.C. §§102 and 103

Ferrell et al.

The Office Action has rejected claim 10 under 35 U.S.C. §102(a) over Ferrell et al. (2003).

The Office Action has further rejected claims 10 and 11 under 35 U.S.C. §103(a) over Ferrell et al. in view of WO Publication 01/47556.

Applicant submits that the claims are fully supported by the priority document and are thus entitled to the priority filing date of June 10, 2002. Therefore, the Ferrell reference is not available as prior art and cannot be properly applied against the present claims. Withdrawal of the rejection is respectfully requested.

Seiberg et al.

Claims 1-5 are rejected under 35 U.S.C. §103(a) over Seiberg et al (US Patent Publication 2003/0138388). The Office Action alleges that it would have been obvious based on the teachings of Seiberg et al. to make a compound according to

Formula I of Seiberg et al. wherein one of R_1 and R_2 is H and the other is $C(=O)E_1$ in which E_1 is phenyl, naphthyl, or C_{7-10} phenyl alkyl. Applicant respectfully disagrees.

Moreover, the currently pending claims are drawn to a compound according to Formula I wherein Z represents a furyl group. Seiberg et al. do not teach or suggest the use of a furyl group. Therefore the claims cannot be obvious in view of the cited art. Withdrawal of the rejection is respectfully requested.

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance.

FEE AUTHORIZATION

Applicant hereby petitions for a one (1) month extension of time to file the within Amendment. The Director is hereby authorized to charge the required fee for the extension, and any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 62146(71526).

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Respectfully submitted,

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